DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI)

YAKIMA RIVER GATEWAY PROJECT
CITY OF WEST RICHLAND, WASHINGTON
MARCH 2016

I. Introduction/Background

The Corps proposes to approve alterations, pursuant to 33 U.S.C. 408 (Section 408), to a Corps-constructed levee on the Yakima River in the City of West Richland (City). The Corps constructed the levee in 1963 to prevent flooding in the City of West Richland. The levee extends from the south side of the existing Van Giesen Street Bridge for approximately 5,760 linear feet along the west bank of the Yakima River.

The alterations were requested by the City, with the endorsement of the Benton County Diking District No. 1 (Diking District). The Diking District is the non-federal sponsor for this levee, with ultimate responsibility for operation and maintenance. The City has assumed primary responsibility for operation and maintenance for a portion of the levee through a Quit Claim Deed and an inter-local agreement with the Diking District. Operation and maintenance of the levee must comply with the Corps Operation and Maintenance Manual for the Yakima River West Richland Control Project, and any amendments or regulations adopted by the Corps for levee projects. The City would be responsible for construction, operation, maintenance, and repair of alterations to the levee, but Section 408 approval must be obtained by the Diking District.

II. Proposed Action

The alterations include an access ramp, stairs and flood wall in place of a section of the existing levee. The levee modification is needed to provide non-motorized access from a proposed trailhead and parking lot on the south side of the Van Giesen Street Bridge and pedestrian access under the bridge to the proposed recreational facilities on the north side of the bridge. The proposed flood wall would provide additional structure integrity to the existing Corps levee to offset modifications for the ramp and stairs. The ramp and staircase is needed to provide American Disabilities Act (ADA) compliant to access under bridge to the park.

Constructing the stairs and access ramp would require temporarily removing up to 50% of the earthen fill of the levee from the waterward side and top of the existing levee; constructing concrete retaining walls, ramp surface, and stairs; then backfilling with appropriate materials. The impact area would be approximately 120 feet in length mainly due to the length of the required ramp, which would require one switch back and wall heights ranging from 3 to 10 feet. Guards and handrails would be provided for safety on both the stairs and ramp. Maintenance access to the levee would be maintained during construction and new fencing and gates would be installed to limit access to the levee. There would be no in-stream work or work waterward of

the ordinary high water mark (OHWM). Riprap removed during excavation of the levee section would be reused in the construction of the proposed floodwall by placing it along the stream bank above the level of the existing rip rap on the levee and under the bridge.

III. Purpose and Need

The purpose of the levee modification, is to provide non-motorized access under the Van Giesen Street Bridge from the trailhead parking lot (restrooms and parking) to the recreational trail that would provide access to the non-motorized boat launch, a passage park with an overlook, and a trail that extends north of the bridge. The ramp and stairs are needed because ADA access and facilities are a funding requirement.

IV. Alternatives Considered

The National Environmental Policy Act and 33 CFR Part 230 *Procedures for Implementing NEPA* require a reasonable range of alternatives be considered during the planning process. Alternatives considered under NEPA must include, at least, the proposed action and the "No Action" Alternative, which provides a baseline from which to compare other alternatives.

Alternatives for the City's Yakima River Gateway Project were limited by the location of adjacent wetlands, proximity of residential and commercial development, as well as existing road corridors and rights-of-way. Therefore, the City was led to select this location as their preferred location for the proposed action. The City considered moving the parking lot to the north of Van Gieson Bridge, however a number of homes and some commercial development would have been displaced. In addition, creating a pedestrian bridge over the bridge was not practicable. The following alternatives were evaluated in detail in the Environmental Assessment (EA):

1. <u>No Action</u>: Under this alternative, the Corps would not grant Section 408 approval for this project. This alternative would consist of maintaining the levee in its current state, without further modification. The park would not have public access. The No Action Alternative does not meet the project purpose and need, however it is carried forward in the EA for comparative purposes as required by NEPA.

2. <u>Proposed Action</u>: The Corps would approve the alterations under Section 408 for the modification of the levee to improve recreational access to the Yakima River and park. The City would modify the levee to construct the trailhead and access ramp and stairway.

V. Environmental Effects

The proposed action would remove six trees along the shoreline of the Yakima River. These trees would be removed prior to the bird nesting season (January 1 through March 15) or after a qualified avian biologist has determined that they do not contain active bird nests. Any active bird nests will be located and a minimum of a 50 foot buffer around the nests. Impacts may occur to Mid-Columbia Steelhead as a result of young fish that may be within the vicinity of the

construction activities and the removal of the trees along the shoreline. The tree removal could reduce insect larvae for food and shade to cool the water for fish.

There is no proposed work within wetlands or waters of the U.S. The project will minimize effect to water quality during construction activities by implementing erosion and sediment control measures and improve water quality over the long term by installing stormwater management measures. There would likely be little or no effect on the local community due to construction activities. The City of West Richland plans to plant 400 trees throughout the park and along the shoreline to create a riparian buffer.

VI. Public Comment/Involvement

The EA and Draft FONSI will be made available to potentially interested members of the public and local, state, and federal agencies for a 30-day review and comment period from March 15 to April 15, 2016. Upon conclusion of the review period, the District will consider comments received and move forward in the NEPA process with signing of the FONSI if applicable, or on the preparation of an Environmental Impact Statement if deemed necessary.

VII. Compliance with other Laws and Regulations

The Corps completed Endangered Species Act (ESA) informal consultation with the National Marine Fisheries Service. The Corps determined the project would have "no effect" on bull trout, since the construction will be conducted in the summer months. The National Marine Fisheries Service concurred that the project "may effect but would not likely adversely affect" Middle Columbia River Steelhead. Steelhead would be indirectly affected by the removal of shoreline vegetation; however, the City of West Richland would mitigate the effect by implementing the following:

1) There would be no in-water work
2) The removed trees would be replaced by approximately 400 native trees and shrubs planted immediately adjacent to the shoreline and within the park.

Concurrence letter from National Marine Fisheries, dated January 8, 2016, was received and is attached and labeled as Attachment A.

The Corps also made a finding of "no historic properties affected" under Section 106 the National Historic Preservation Act. The City of West Richland coordinated with Washington Department of Archaeological and Historic Preservation (DAHP). The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Yakama Nation were contacted regarding effects to cultural resources. The DAHP concurred with the findings. No response was received from either the CTUIR or the Yakama Nation.

See Section 4 of the EA for a discussion of compliance with other laws, regulations and Executive Orders. The proposed action complies with other federal laws, applicable regulations and Executive Orders.

VIII. Findings and Decision

Having reviewed the Yakima River Gateway Project EA, I find that the document provides sufficient discussions on the purpose of and need for the proposed action, alternatives, the environmental effects of the proposed action and the alternatives, and a listing of agencies and persons consulted. I have taken into consideration the technical aspects of the project, best scientific information available and public comments received. These documents provide sufficient evidence and analysis to meet the Corps' requirements pursuant to the National Environmental Policy Act. Based on this information, I find that implementation of the proposed action would not result in significant impacts on the quality of the human environment and that an environmental impact statement is not required.

_____ _____

Timothy R. Vail
Lieutenant Colonel, Corps of Engineers
District Commander

Date